

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

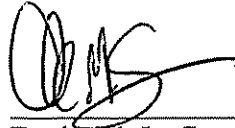
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|-------------------------------|---|----------------------|
| HONEYWELL INTERNATIONAL INC., |) | |
| et al |) | |
| Plaintiffs, |) | |
| |) | |
| v |) | C.A. No. 04-1338-KAJ |
| |) | |
| APPLE COMPUTER, INC., et al. |) | |
| |) | |
| Defendants. |) | |

EASTMAN KODAK COMPANY'S JOINDER
IN TOSHIBA'S FED. R. CIV. P. 42(b)
MOTION FOR BIFURCATION OF LIABILITY AND DAMAGES

Pursuant to Fed. R. Civ. P. 42(b), and for the reasons set forth in Toshiba Corporation's ("Toshiba") Fed. R. Civ. P. 42(b) Motion for Bifurcation of Liability and Damages (D.I. 164) (and memorandum in support thereof, D.I. 165), Eastman Kodak Company ("Kodak") joins in Toshiba's motion for bifurcation of liability and damages.

Rule 711 Certification. As stated in Toshiba's motion papers, counsel for Toshiba discussed the subject of this motion with counsel for plaintiffs, but plaintiffs did not agree to bifurcate liability and damages.

As Toshiba has articulated, this action should be bifurcated as to liability and damages (with willfulness being a damages issue) to make this case more manageable, to simplify issues, to reduce effort and expense, to conserve judicial resources, and to avoid what may be an unnecessary damages trial and discovery with respect thereto. Kodak's present joinder in Toshiba's motion is in addition to the position articulated in its joint motion with other customer defendants that the case should be stayed as to it and the other non-manufacturer defendants.



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Dated: May 10, 2005

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2005, I hand delivered the foregoing document to the following persons and electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing to the following.

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